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July 5, 1994

Scott E. Lebhar
3302 Windy Knoll Ct.
Rockville, MD 20853

Federal Communications Commission
Office Of The Secretary
1919 M. Street, NW
Washington, DC 20554

Re: GN Docket No. 93-252

To Whom It May Concern:

I am a small business person who has recently learned of the ESMR licensing plan proposed by Nextel Communications. I am also pursuing involvement in the ESMR industry and have applied for many new SMR licenses. Nextel, as I understand it, has proposed a new ESMR licensing plan that would prevent all but existing ESMR companies with mobile customers from involvement.

I am indignant at Nextel's attempt to exclude small businesses and minorities from any proposed ESMR licensing process, especially at a time when the FCC is exerting tremendous effort to ensure that small businesses and minorities are included in the PCS licensing process. It is evident that Nextel's proposal is a blatant attempt to use the government to protect the self-serving business interests of a handful of companies. I hope that the FCC will see it as just that, and nothing more.

Nextel's proposal is a request for an industry oligopoly to receive favors and protection from the FCC. Basically, according to Nextel's proposal, those companies that are not presently ESMR players, will not have an opportunity to be involved in any new ESMR licensing process. Many would agree that this proposal has anti-trust implications and, if accepted, will certainly close the door on most, if not all, new ESMR competition. Promoting competition in the ESMR industry is critical at this early stage of its development, as the intertwining ownership structures among Motorola, Nextel, Dial Call and OneComm are already making barriers to entry extremely difficult to overcome.

Even more astonishing is Nextel's transformation from a supporter of competition to a protectionist. Initially, Nextel requested and received many favors from the FCC which have enabled Nextel to provide competition to cellular. Now that Nextel's ESMR industry position is entrenched, it is asking the FCC for favors to reduce future ESMR competition to Nextel.

When considering the Nextel proposal, the FCC must not lose sight of some important facts. ESMR, like all industries, will benefit from competition. Increased competition

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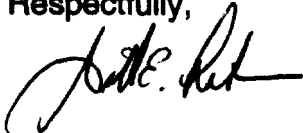
means lower prices to consumers. Nextel's proposal would drastically limit competition and, as a result, increase prices to consumers. In addition, Nextel is a company that is already valued at billions of dollars and has been amply rewarded for its entrepreneurship. The FCC must give other entrepreneurs the same opportunity to compete in the ESMR industry as Nextel was given. To accomplish what it has today, Nextel has already received many favors and rule waivers from the FCC. Nextel is not owed any protectionistic favors.

Nextel's proposal has three major problems: (1) It is unnecessary - it is obvious that Nextel does not need huge "cleared" blocks of spectrum to compete with cellular. Look how far they've come and how much capital they have raised without a "cleared" block; (2) it is inconsistent with the FCC's intent to include small businesses and minorities in the wireless communications industry - cellular licensing rules ensured small business participation, and many businesses, still serving one small MSA or RSA, have survived and prospered. PCS licensing rules will ensure small business participation. Therefore, ESMR licensing rules must also ensure small business participation; and, (3) it is flawed - "retuning" all existing non-ESMR companies to other frequencies on the private land mobile radio band is not practical. There are simply not enough available frequencies on the private land mobile radio band to permit massive retuning. Any "retuning" process would be an FCC nightmare and create many more problems than it would propose to solve.

In conclusion, I respectfully request that the FCC reject Nextel's highly controversial proposed ESMR licensing plan, and all similar plans. The proposal is extremely anti-competitive, in that huge amounts of spectrum would be allocated to only ESMR incumbents, such as Nextel, Dial Call and OneComm, and removed from possible use by all future ESMR competitors. If the Nextel plan is accepted, the ESMR industry will always remain a protected oligopoly, with barriers to entry for smaller businesses that are, frankly, insurmountable. Limiting competition will clearly be a detriment to the wireless communications industry, as higher consumer prices will be the price which consumers will pay. The cellular industry has proven that competition offered by smaller businesses maintains the required balance in a free-market economy.

While construction and technical rules should be revised for SMR licensees who intend to provide ESMR service, the licensing process does not require revision. Maintaining the SMR licensing status quo ensures maximum competition and participation of small businesses in the ESMR industry.

Respectfully,

A handwritten signature in dark ink, appearing to read "Scott E. Lebhar", written in a cursive style.

Scott E. Lebhar